

Proposals by Department

With Summaries

Department: AGR - Department of Agriculture

AGR-01 RELATING TO THE EXEMPTION OF LEASES AND UTILITY AND ACCESS EASEMENTS.

Allow landowners to place reasonable restrictions on the agricultural uses of their land that they lease, which is located within a State agricultural district.

AGR-02 RELATING TO LAND USE

Allow the counties an integral role in fulfilling the State's duty to identify important agricultural lands, thus helping to fulfill the constitutional mandate to conserve and protect ag lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.

AGR-03 RELATING TO MILK CONTROL

Eliminate the requirement that the Governor sign an order every month establishing the the minimum price or salvage value of milk. This is not necessary as the formula upon which the price is set was approved by the Governor.

AGR-04 RELATING TO THE AGRIBUSINESS DEVELOPMENT CORPORATION

Stagger the terms of the Agribusiness Development Corporation (ADC) Board of Directors, to provide continuity. The current terms of the Governor's 8 appointees all expire on June 30, 2005.

AGR-06 RELATING TO MICROORGANISM IMPORT

Eliminate unimplemented statutory provisions for microorganism import certification for medical and scientific purposes, as recommended by the Legislative Auditor, because they are not necessary or practical.

AGR-07 RELATING TO AGRICULTURAL COMMODITIES

Allow the department of agriculture to hire temporary inspectors to assist with some certifying activities, freeing-up permanent inspectors to conduct more complex certifications. Place all laws pertaining to grades, standards and certification into one Chapter of the HRS, and all laws pertaining to marketing, promotion and advertising into another.

AGR-08 RELATING TO AGRICULTURAL WATER USES

Amend the State Water Code to provide assurances that the use of water for agriculture is given the same high protection as that given to traditional and customary Hawaiian rights, domestic, and in-stream flow standards.

AGR-10 RELATING TO AGRICULTURAL LANDS.

Ammend Hawaii Revised Statutes to allow multiple, non-geographically adjacent parcels of land to be transferred from DLNR to DOA.

Proposals by Department

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Department: AGS - Department of Accounting and General Services

AGS-01 RELATING TO THE STATE ART MUSEUM

Clarify the roles and responsibilities of the State Foundation on Culture and the Arts and update the duties required of the Arts in Public Places and Relocatable Works of Art Programs and the State art Museum.

AGS-03 RELATING TO THE TRANSFER OF THE OFFICE OF ELECTIONS AND CAMPAIGN SPENDING COMMISSION TO THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES.

Exclude the employees of the Office of Elections and the Campaign Spending Commission from collective bargaining. These offices were transferred from the Office of the Lieutenant Governor to the Department of Accounting and General Services last year and the excluded status of the employees was not retained. This proposal will assure that the employees conduct their duties in an apolitical, nonpartisan environment.

AGS-06 RELATING TO PROCUREMENT.

Prevent the practice of "bid shopping" on State contracts for the construction of public projects.

AGS-07 RELATING TO PROCUREMENT.

Require the Procurement Policy Board to develop and adopt contract rules, procedures, and clauses to ensure contracting agencies properly enforce HRS chapter 104. Also requires the Board to establish a protest procedure that permits interested parties to stay procurement actions until the Director of Labor and Industrial Relations rules on any alleged contracting agency failure to comply with chapter 104.

AGS-08 RELATING TO THE ELECTIONS APPOINTMENT AND REVIEW PANEL.

Amend the reporting due date of the biennial performance evaluation of the operation of elections and the performance of the chief election officer. This will allow for a more detailed and thorough report.

AGS-09 RELATING TO PROCUREMENT.

Establish contracting preferences to promote training and employment opportunities for disabled persons in Hawaii by expanding existing authority for agencies to make non-competitive awards to organizations that train and employ disabled persons.

AGS-10 RELATING TO CAMPAIGN SPENDING

Improve public accessibility to campaign spending information by requiring that Senate, House and Office of Hawaiian Affairs candidates file by electronic means. This is already required of candidates for all other offices in the state.

AGS-11 RELATING TO CAMPAIGN SPENDING

Housekeeping amendments to campaign spending law and break the connections between the officers of a corporation and the corporate entity for purposes of allowable donations. Repeals treatment of an individual and general partnership or an individual who owns a controlling interest in a corporation as one person; prohibits contributions from the corporation or company to a corporate or company noncandidate committee; clarifies time period for contributions and registration; clarifies language on return of improper contributions to candidates; amends code to conform to amended federal regulations; clarifies that candidates and elected officials have four years to return contributions if not running for office.

AGS-12 MAKING AN EMERGENCY APPROPRIATION TO RISK MANAGEMENT.

Increase the spending ceiling of the risk management revolving fund to pay for prior year's and current losses (such as floods and school fires) that exceed the current ceiling.

AGS-13 RELATING TO ELECTRONIC GOVERNMENT RECORDS.

Expand the options available to government agencies for creating, accepting, retaining, and storing government records from paper and film to electronic format, thereby increasing public access to government records and increasing government flexibility in record use.

AGS-14 RELATING TO PROCUREMENT.

Repeals various state agency statutory exemptions from Hawaii's procurement law.

AGS-15 RELATING TO BOARDS AND COMMISSIONS

Allow the head of the specified agency to have more of a participatory function on an administratively attached agency, board or commission by having a voting seat on it.

Proposals by Department

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AGS-16 RELATING TO THE PROCUREMENT CODE

This measure will remedy an unanticipated effect of the new procurement law that could limit the ability of state agencies that must rely on goods or service providers from beyond Hawaii's borders. This bill will allow agencies to readily secure goods or the expertise from outside the state when needed to protect the State's interests.

Proposals by Department

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Department: ATG - Department of the Attorney General

ATG-01 MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES.

Appropriates funds to satisfy claims against the State for tax refunds, judgments and settlements, and other miscellaneous payments.

ATG-02 RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

Provides the Attorney General with funds to readily pursue claims for the public good when they arise. Currently the Attorney General must request funds to initiate litigation of major claims. This bill enables the Attorney General to deposit 33 percent of recoveries from civil action or settlement of civil claims in the Litigation Deposits Trust Fund for the purpose of investigating and prosecuting civil claims.

ATG-03 RELATING TO PUBLIC AGENCY MEETINGS.

Improves government efficiency by clarifying the definition of a board subject to the Sunshine Law. This bill allows public officials to speak with more than one person to obtain their views without subjecting these informal discussions to the Sunshine Law.

ATG-04 RELATING TO INTEREST.

Brings the interest rate paid by the State on judgments recovered in civil suits more in line with the economic climate by reducing it from the current 10 percent to six percent a year.

ATG-05 RELATING TO PUBLIC BENEFIT CORPORATIONS.

Provides the Attorney General with the option of seeking the removal of directors of public benefit corporations that have breached their fiduciary duties. Currently, the Attorney General is only authorized to seek judicial dissolution of any nonprofit corporation that has abused its authority.

ATG-06 RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES.

Allows the public access to information regarding the percent of funds raised by charitable organizations that actually reaches the charity. This bill maintains existing statutory provisions that require these organizations to register with the State and strengthens existing enforcement provisions by giving the Attorney General enforcement powers.

ATG-07 RELATING TO TOBACCO.

Addresses the problem of untaxed tobacco products arriving in the State via orders placed by telephone, mail and the Internet by making it a class C felony to ship more than 1,000 untaxed cigarettes into the State and by requiring those who do ship tobacco products to become a licensee. This bill also addresses underage usage of tobacco products by requiring all products shipped into the State to have a printed notice indicating Hawaii prohibits the sale of cigarettes to individuals under 18.

ATG-08 RELATING TO TOBACCO.

Requires retail establishments engaged in tobacco sales to obtain a permit and establishes penalties for non-compliance, including the ability of the State to revoke or suspend permits from retailers and/or wholesalers that violate provisions of the cigarette tax and tobacco law.

ATG-10 RELATING TO CHAPTER 846E, HAWAII REVISED STATUTES.

Conforms to federal law by requiring child pornographer to register as sex offenders.

ATG-11 PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII.

Establishes Megan's Amendment by ensuring easy public access to information concerning the presence of convicted sex offenders residing in the community. This amendment would authorize the Legislature to provide by law the manner in which public access information would be accomplished.

ATG-12 RELATING TO CRIME.

Establishes sentencing reform to make habitual property crime a felony, increases the minimum sentence of repeat offenders, and provides judges with increased discretionary power in determining the appropriate sentence.

ATG-13 RELATING TO ELECTRONIC SURVEILLANCE.

Provides the public with better police protection against drug dealers and terrorists by conforming Hawaii's outdated and restrictive electronic surveillance law to federal law. This bill also establishes an electronic surveillance unit within the Attorney General's Office.

Proposals by Department

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ATG-14 PROPOSING AMENDMENTS TO ARTICLE I, SECTION 14, OF THE HAWAII CONSTITUTION.

Proposes constitutional amendments to clarify that the legislature may pass legislation making the prior history of an alleged sexual assault victim inadmissible in court.

ATG-15 PROPOSING AMENDMENTS TO ARTICLE I, SECTION 5, OF THE HAWAII CONSTITUTION.

Proposes constitutional amendments to allow the Legislature to pass legislation permitting witnesses, including criminal defendants to be impeached with evidence of prior felony convictions and allow criminal defendant's otherwise excludable statements to be admitted into evidence in criminal trials when the defendant testifies.

ATG-16 RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION.

Discourages public servants from receiving gifts under inappropriate circumstances by strengthening current bribery laws and creating the new offense of bribery in the second degree, which targets the illegal compensation of public servants.

ATG-17 RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES.

Creates a felony charge against those who continue to drive after a court revoked their license for a driving under the influence (DUI) conviction.

ATG-18 RELATING TO SOLID WASTE CONTROL.

Discourages illegal dumping of solid waste by allowing law enforcement agencies to charge an individual for discharging, disposing, depositing, or discharging solid waste equal to or greater than ten cubic yards in volume.

ATG-19 PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII.

Provides the public with more protection from the importation of illegal drugs by allowing law enforcement to use evidence that was derived from "walk and talk" and "walk and knock" investigative techniques that obtain information through consensual conversations.

ATG-20 RELATING TO EXAMINATION AFTER ARREST.

Eliminates the rule that mandates suppression of statements made by a defendant if the police do not make reasonable efforts to contact an attorney on the defendant's behalf, even if a defendant is ambiguous and later repudiated.

ATG-22 RELATING TO THE SOVEREIGN IMMUNITY OF BOARDS AND COMMISSIONS.

Amends Chapter 26-35, HRS, to state that every board and commission established within a department is considered an arm of the State and enjoys the same sovereign immunity available to the State.

ATG-23 RELATING TO TESTIMONY.

Eliminates litigants' uncertainty and confusion by clarifying when lay and expert witness testimony is admissible during a judicial proceeding. This bill adopts a uniform standard on the Federal Rules of Evidence for ensuring the admissibility of reliable, trustworthy, and relevant lay and expert testimony in a judicial proceeding.

ATG-24 RELATING TO APPELLATE JURISDICTION.

Authorizes immediate appeals for circuit or land court orders granting or refusing preliminary injunctions. This amendment makes the State court's practice consistent with that of the federal court. This amendment is needed to avoid the substantial, often irreparable damage that can occur when lower courts make erroneous rulings.

ATG-25 RELATING TO THE STATE TORT LIABILITY ACT.

Allows the State the same waiver of sovereign immunity for the torts of its employees as the United States Government.

ATG-26 RELATING TO TORT ACTIONS.

Allows the court to consider as evidence of negligence, an individual's failure to wear a seatbelt or helmet.

ATG-27 RELATING TO TORT ACTIONS.

Prevents government entities from being held jointly and severally liable for the entire damages in cases in which the government entities bore minimal responsibility in causing those damages.

ATG-30 RELATING TO JUVENILES.

Establishes uniform criteria to determine fitness to proceed to trial for children and youth that are charged with felonies.

Proposals by Department

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ATG-32 RELATING TO ACCESS TO VITAL STATISTICS RECORDS BY CHILD SUPPORT ENFORCEMENT AGENCIES.

Improves efforts to secure child support payments by allowing state and federal agencies conducting activities under the Child Enforcement Program to have direct access to vital statistic records maintained by the Department of Health's Office of Health Status Monitoring.

ATG-33 RELATING TO CRIMINAL PROCEDURE.

Saves the county prosecutors and police departments time and money currently used to charge individuals with a felony by allowing "information charging" to occur as an alternative to grand juries or district court presentations that currently are required to initiate felony charges.

ATG-34 RELATING TO THE HAWAII RULES OF EVIDENCE.

Allows individuals, corporations, and government entities to offer apologies or other expressions of sympathy without fear of such gestures being used against them to establish civil liability.

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Department: BED - Department of Business, Economic Development, and Tourism

BED-03 RELATING TO ENERGY CONSERVATION.

Amend current law on energy retrofit and performance contracting for public facilities to expand financing options available for energy systems and to include water conservation on-site and off-site on list of qualifying energy conservation retrofits.

BED-04 RELATING TO RENEWABLE ENERGY RESOURCES.

Mandate that 20% of total electricity sold to utility customers by electric utility companies be produced by renewable energy by Year 2020, and to provide for a phase-in schedule to meet this goal.

BED-06 RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY AND PROTECTING CONFIDENTIALITY OF TRADE SECRETS.

To keep as confidential, commercial and proprietary information held by Natural Energy Laboratory of Hawaii Authority pertaining to its existing tenants and prospective tenants.

BED-08 RELATING TO THE HAWAII STRATEGIC DEVELOPMENT CORPORATION.

Re-establish the HSDC revolving fund repealed by Act 178/2003.

BED-09 RELATING TO CAPITAL LOAN PROGRAM.

Re-establish the capital loan revolving fund repealed by Act 178/2003.

BED-11 RELATING TO THE HAWAII TOURISM AUTHORITY.

Make the Director of DOT and the Chairperson of DLNR voting members of the HTA Board.

BED-12 RELATING TO THE MAINTENANCE OF PROPERTIES WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT.

Give HCDA the authority to self initiate investigations in problem areas and follow up on compliants within Kalaeloa and report its findings, opinion and recommendations to the Governor, the Legislature and/or the public.

BED-14 RELATING TO TAX CREDITS FOR FILM AND PERFORMING ARTS.

Increase existing 4 percent refundable film industry production credit up to 15 percent on Oahu and 20 percent on Neighbor Islands, clarify that only commercial productions qualify and the production may not claim both a refundable production credit and an investment tax credit.

BED-15 RELATING TO CAPITAL INVESTMENTS.

Establish a new mechanism to fund capital investments which can be accomplished at little cost to the State through the authorization of contingent tax credits. Establish a 20% refundable tax credit for approved "qualified research and development companies" which focuses the current similar tax credit on scientific research and extends the sunset date to 2010. Also, establish a 20% business-research institute tax credit to foster world-class research insitutions in Hawaii and to promote business and Hawaii institute of higher learning partnerships. Clarify the current high technology business investment tax credit and extend the sunset date to 2010.

BED-19 MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII STATE DISASTER REVOLVING LOAN FUND.

Transfer \$1,000,000 out of the capital loan revolving fund to the disaster revolving loan fund to make both individual and business loans for the natural disaster proclaimed by the Governor on December 23, 2003 in the areas of Mapunapuna, Monalua, Salt Lake and Foster Village.

Proposals by Department

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Department: BUF - Department of Budget and Finance

BUF-02 RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Reduce fluctuations in the employers' contributions for public employee pension benefits by establishing employers' contributions at set percentages of the members' compensation beginning in FY 06.

BUF-04 PROPOSING AMENDMENTS TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII.

Amend the State Constitution to allow the State the flexibility to issue refunding general obligation bonds or refunding reimbursable general obligation bonds with varying term and maturity to retire outstanding debt so that the State can level debt service payments.

BUF-05 PROPOSING AMENDMENTS TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF HAWAII, RELATING TO BALANCED BUDGET REQUIREMENTS.

Amend the State Constitution to require the Legislature comply with the same standards for balanced budget applicable to the Executive.

BUF-06 RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM.

Create new hybrid defined contribution plan to improve recruitment for and retention of public sector employees. All employees hired after September 30, 2005 and certain current class A & B and class C employees, who make an irrevocable election to transfer, will be covered by the new plan.

BUF-07 RELATING TO UNCLAIMED PROPERTY.

Repeal the never implemented law that causes unclaimed property held by the State after a period of time to be permanently escheated to the State. The State will serve as custodian in perpetuity to reunite unclaimed property with its rightful owners.

BUF-08 RELATING TO THE FEDERAL TAX LIMIT ON COMPENSATION APPLICABLE TO THE EMPLOYEES' RETIREMENT SYSTEM.

Bring ERS into retroactive compliance with federal tax law by imposing limits on compensation that can be taken into account in determining benefits accrued. Compliance will ensure ERS' continuation as a tax-qualified retirement plan.

BUF-10 RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM.

Amend ERS statutes to comply with the required provisions of the federal tax code, so as not to jeopardize the tax-qualified status of the ERS.

BUF-11 RELATING TO THE STATE BUDGET

Adjust and request appropriations for Fiscal Biennium 2003-05 funding requirements for operations and capital improvement projects of Executive Branch agencies and programs.

Proposals by Department

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Department: CCA - Department of Commerce and Consumer Affairs

CCA-01 RELATING TO MENTAL HEALTH.

Require health plans to augment their mental illness coverage by expanding the definition of "serious mental illness" to include obsessive compulsive disorder, dissociative disorder, delusional disorder, and major depression. The new definition will allow equal access to medical treatment for more individuals suffering from severe mental illness.

CCA-02 RELATING TO FEES.

Provide DCCA with the flexibility to adjust its fees to maintain a reasonable relationship between the fees charged and the cost or value of services rendered. Currently, DCCA is able to adjust some fees, while others are set by statute. This bill will allow all the fees to be adjusted within limits.

CCA-03 RELATING TO ALIEN INSURERS.

Enable non-U.S. companies to become licensed in Hawaii and then, as long as they maintain their base of U.S. operations in Hawaii, be treated as insurance companies domiciled in Hawaii for the purposes of obtaining licenses in other states. This bill, based on NAIC model law, will help to promote Hawaii as a center of business around the Pacific Rim, thereby further diversifying Hawaii's economy and possibly increasing job opportunities.

CCA-04 RELATING TO INSURANCE.

Require health plans to recognize trade associations (e.g., Chamber of Commerce of Hawaii) as employer groups that are eligible for group rates.

CCA-05 RELATING TO INSURANCE.

Establish the insurance fraud investigations branch within the DCCA with jurisdiction to investigate and prosecute insurance fraud across all lines of insurance. Presently the DCCA can investigate and prosecute fraud only in the auto insurance area.

CCA-06 RELATING TO THE RESOLUTION OF CONSTRUCTION DEFECT CLAIMS.

Establish a means of resolving residential construction defect claims without incurring the high costs and delay of litigation. This will also improve the availability and affordability of liability insurance.

CCA-10 RELATING TO INSURANCE.

Modernize Hawaii's insurance laws, ease insurers' filing requirements, bring Hawaii's insurance laws into conformity with federal law and national standards, and improve the efficiency of department operations.

CCA-11 RELATING TO INTERSTATE INSURANCE COMPACT.

Adopt the NAIC Interstate Insurance Compact while exempting long-term care insurance from its provisions. This will afford consumers high product standards and quicker access to a broader choice of investment products. Also, state insurance regulators will be able to share best practices and use their resources more effectively and insurers will enjoy a more level playing field in competing with banks and securities firms.

CCA-12 RELATING TO INSURANCE.

Require health plans to directly reimburse non-participating providers for services rendered; but requires the signature of both the non-participating and the patient on the check.

CCA-13 RELATING TO DENTAL INSURANCE.

Extend current sunset date of Act 132, SLH 2001, by one year to enable continuation of liquidation of insolvent dental plan, HDHP, allowing DCCA to continue to seek moneys to repay provider and consumer creditors.

CCA-16 RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT.

Encourage participation on the external review panel by paying physician members \$400 per case for sacrificed opportunity costs and to reimburse for out-of-pocket expenses. The Insurance Division has encountered difficulties in finding physicians who are willing to sit on the panels because of the significant opportunity costs involved.

CCA-18 RELATING TO AN INACTIVE LICENSE FOR PROFESSIONAL AND VOCATIONAL LICENSEES.

Affords all professional and vocational licensees the opportunity to go on inactive status with decreased license renewal fees.

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CCA-19 RELATING TO REAL ESTATE LICENSING.

Authorize the Real Estate Commission to enter into formal license recognition agreements with other states and the Association of Real Estate License Law Officials (ARELLO) jurisdictions.

CCA-20 RELATING TO ABANDONED APPLICATIONS FOR PROFESSIONAL AND VOCATIONAL LICENSES.

Clarifies that a professional or vocational license application is to be deemed abandoned if the applicant fails to provide evidence of continued efforts to complete the licensure process for two consecutive years.

CCA-21 A BILL FOR AN ACT RELATING TO MEDICAL LICENSURE APPLICANTS WITH CANADIAN RESIDENCIES OR EXAMINATIONS.

Revise the licensing requirements to practice medicine or surgery by recognizing two additional accrediting bodies of Canadian medical residency programs, and by accepting the Canadian licensing examination.

CCA-22 RELATING TO PEST CONTROL.

1) Mandate that a pest control operator shall obtain and maintain continuous coverage of workers' compensation and liability insurance; 2) clarify the consequences for failing to do so; and 3) the options a pest control operator has to restore a forfeited license.

CCA-23 RELATING TO THE LICENSING REQUIREMENTS FOR PRIVATE DETECTIVES AND GUARDS.

1) For the regulation of private detectives and guards, establish a definition of "firm" and clarify that a sole proprietor without any employees is to be considered an agency thereby reducing the licensing requirements for a sole proprietor 2) clarify the definition and requirements for the principal of an agency.

CCA-24 RELATING TO THE DENTAL EXAMINATION.

Allow acceptance of dental examination results from regional or state testing agencies in the event the state constructed dental examination cannot be administered.

CCA-25 RELATING TO COSMETOLOGY LICENSE RESTORATION.

Make consistent the statutes for barbering (chapter 438, HRS) and beauty culture (chapter 439, HRS) by amending the beauty culture statute to allow the Board of Barbering and Cosmetology to consider a restoration beyond the three-year period. Currently, only the barrbering statute allows such consideration.

CCA-26 RELATING TO NURSES.

Clarify licensure and renewal provisions and reporting requirements to the Board of Nursing by the Board of Medical Examiners in addition to housekeeping and the repeal of outdated ammendments.

CCA-27 RELATING TO BOXING.

Update and conform the Hawaii statutes to the federal Professional Boxing Safety Act of 1996, create ammendments to allow for current practices to be codified as substantive amendments that have not been made since 1986.

CCA-28 RELATING TO THE LICENSING REQUIREMENTS FOR ELEVATOR MECHANICS.

To align training requirements for licensure of elevator mechanics with federal and state apprenticeship time and experience standards.

CCA-29 RELATING TO TELEMARKETING.

To harmonize Hawaii's Telemarketing Law with the new Do-Not-Call provisions of the Telephone Sales Rule and Telephone Consumer Protection Act (TCPA), administered by the Federal Trade Commission and the Federal Communications Commission, by providing that a violation of the federal Do-Not-Call provisions constitutes an unfair or deceptive trade practice under Hawaii law.

CCA-31 RELATING TO REGISTRATION OF MONEY TRANSMITTERS.

Introduce a new chapter in the Hawaii Revised Statutes to register persons providing money transmission services, regulate these persons, and grant enforcement authority to the comissioner against persons who fail to register.

CCA-32 RELATING TO ESCROW DEPOSITORIES.

Improve the procedures for the licensing and regulation of escrow depositories in Hawaii by the Division of Financial Institutions by ammending and updating chapter 449 of the Hawaii revised Statutes.

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CCA-35 RELATING TO MEDICAL BOARD DISCIPLINARY ACTION.

Allow a wider range of choices for disciplinary action that can be taken by the Board of Medical Examiners by adding intermediate sanctions of censure, admonition, and reprimand, thereby allowing the severest sanctions to be used where intermediate sanctions have already been imposed.

CCA-36 RELATING TO CERTIFICATES OF GOOD STANDING.

Repeal filing fees charged for certificates of good standing.

CCA-37 RELATING TO BUSINESS REGISTRATION FEES.

Reduce the Business Registration Division's fees (many by 50%) to improve Hawaii's business climate and to maintain consistency between the Department's respective fee schedules.

CCA-38 RELATING TO BUSINESS REGISTRATION.

To clarify and correct ambiguities or errors within Hawaii's business registration law, and to modernize and increase the effectiveness of the law.

CCA-41 RELATING TO APPLICATIONS SEEKING GENERAL RATE INCREASES FILED BY PUBLIC UTILITIES HAVING ANNUAL GROSS REVENUES OF LESS THAN \$2,000,000.

Mandate public utility companies with annual gross revenues less than \$2,000,000 to file annual financial statement reports and expedite the approval of rate increases of these companies by developing a standard rate adjustment application form and creating time periods and requirements for application processing and review.

CCA-42 RELATING TO AN EXEMPTION FOR NON-FACILITIES BASED COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS PROVIDERS FROM STATUTORY FINANCING REQUIREMENTS.

Exempt non-facilities based resellers of telecommunication services from the requirement to obtain Public Utilities Commission approval for long-term financing.

CCA-43 RELATING TO ADVISORY COMMITTEES.

Provide for the payment of \$200 for each completed consultation or case review to advisory committee members who assist the department in its investigations of licensing violations. This will better able the DCCA to secure the expertise and assistance of professionals to aid in its investigations.

CCA-44 RELATING TO CABLE TELEVISION.

Provides explicit statutory authority to the DCCA to implement a three-year pilot program to provide additional funding to support public, education, and government cable television access in underserved areas and to appropriate funds for the initial year of the pilot program.

CCA-R01 CONCURRENT RESOLUTION REQUESTING REVIEW BY THE AUDITOR OF THE LICENSING AND REGULATION OF PROFESSIONS AND VOCATIONS, INCLUDING FEES ASSESSED, BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS.

Conduct a comparative analysis of professional and vocational regulations implemented in other states to assess whether the DCCA's regulatory and licensure programs are reasonably necessary to protect the health, safety, and welfare of consumers and whether the programs unreasonably restrict entry into the professions or vocations. The comparative analysis will help identify areas where Hawaii imposes educational, testing, experience, or other requirements that are more burdensome than national norms and will provide guidance on areas in which Hawaii's laws may need revision.

Proposals by Department

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Department: DEF - Department of Defense

DEF-02 RELATING TO CIVIL DEFENSE.

Currently, law enforcement officers engaged in civil defense are not afforded the same protections as members of the state militia, national guard, active duty military, and Coast Guard even though they are asked to engage in the same, if not more dangerous role when engaged in a civil defense function engaging in operations, assisting in operations, or otherwise responding to any potential or actual terrorist threat or act. The proposed legislation gives law enforcement officers an additional justification for the use of deadly force when they are protecting vital facilities, critical infrastructure, or public properties from a potential or actual terrorist threat or act or when they are engaged in operations, assisting in operations, or otherwise responding to any potential or actual terrorist threat or act.

DEF-03 RELATING TO CIVIL DEFENSE SIRENS.

This measure will allow for expedited construction, installation, maintenance, repair, and/or replacement of civil defense warning or signal devices and sirens by exempting them from rules and regulations that are a hindrance to the protection of the public safety.

DEF-04 RELATING TO GOVERNMENT RECORDS.

To except most government records and information relating to measures designed to protect the security or safety of persons or property, whether public or private, from attacks or acts of terrorism from disclosure under the Hawaii Uniform Information Practices Act, 92F-13, HRS.

DEF-06 RELATING TO VETERANS' SERVICES.

Section 363-3.5(a) specifies that the policy advisory board will consist of seven appointed members with representation from each of the counties except Kalawao county. This amendment would increase Hawaii county's representation from one to two members, thereby increasing the board's size to eight appointed members. This is necessary to ensure adequate representation for the separate and distinct veteran populations in east and west Hawaii.

DEF-08 RELATING TO TAXABLE INCOME.

Will provide a tax exemption for gross military income for members of the reserve of the Army, Navy, Air Force, Marines, or Coast Guard, HI national guard, and active military with home of record in HI during the period they are deployed overseas in a hostile fire zone. Recognizes the differences in pay that most reservists receive when active.

DEF-10 RELATING TO SPECIAL NUMBER PLATES

Establishes special automobile license plates for Medal of Honor recipients.

DEF-11 RELATING TO THE MILITIA.

HI State DOD has evolved into a joint H.Q. for federal and state activities. This bill allows the Adjutant General to appoint an Assistant Adjutant General of the Army National Guard, Air National Guard, and Joint Command in the federally recognized grade no higher than major general.

DEF-12 RELATING TO THE MILITIA.

Allows the Adjutant General to appoint a Deputy Adjutant General to a grade no higher than major general. The Deputy Adjutant General serves as the Adjutant General in case of absense or disability.

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Department: EDN - Department of Education

EDN-01 MAKING AN EMERGENCY APPROPRIATION FOR COLLECTIVE BARGAINING INCREASES

Funds collective bargaining increases in the Department of Education for units 1 and 5 that were effective January 2003 but inadvertently omitted from the governor's biennium budget proposal.

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Department: GOV - Office of the Governor

GOV-01 RELATING TO FAIRNESS IN COLLECTIVE BARGAINING.

This measure creates a clear set of incentives to remain at the bargaining table, whereas the current system of binding arbitration tends to be an incentive to seek binding arbitration.

GOV-02 RELATING TO FAIRNESS IN COLLECTIVE BARGAINING FOR EMPLOYEES IN LAW ENFORCEMENT, HEALTH AND SAFETY CLASSIFICATIONS

This proposal creates a new bargaining unit for public employees engaged in law enforcement, health, safety, and welfare occupations and remove them from bargaining units dominated by non-law enforcement, health, safety, and welfare occupations.

GOV-05 RELATING TO BINDING ARBITRATION.

This measure will help improve collective bargaining and the arbitration process by helping better match arbitrated decisions with the employers' available resources.

GOV-07 RELATING TO EDUCATION.

Allows teachers to exclude violent or disruptive students from the classroom.

GOV-08 RELATING TO EDUCATION.

Home-schooled students do not have the opportunity to participate in activities their peers are offered at the public schools. This bill will allow home-schooled students to participate in extracurricular and co-curricular activities.

GOV-09 PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO PUBLIC EDUCATION.

Allows the people of Hawai'i to decide whether public education should be reformed by transferring responsibility for the public schools in the state to seven or more independent school districts that are each governed by an elected local school board.

GOV-10 RELATING TO EDUCATION.

Implements the constitutional amendment to establish local school boards if adopted by the public, and provides for the transition between the department of education and independent school districts. Also increases the number and funding of charter schools.

Proposals by Department

With Summaries

Department: HHL - Department of Hawaiian Homelands

HHL-03 RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED.

Expands the opportunity for business relationships with public and private entities that will enable DHHL to become more of an active participant in the economic development supporting Hawaiian home lands and will assist in promoting business and employment for program beneficiaries.

Proposals by Department

With Summaries

Department: HMS - Department of Human Services

HMS-01 RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES.

Authorizes the Department of Human Services, on behalf of the Office of Youth Services, to conduct criminal history and child abuse record checks on employees, prospective employees, and volunteers of providers and subcontractors in positions that place them in close proximity to youth when providing services.

HMS-03 RELATING TO THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII.

Currently, the public housing eviction process allows tenants to remain in public housing for over one year, and most of the eviction referrals are due to non-payment of rent. This measure addresses the need to streamline the eviction process and help the 19,000 persons who have been wait listed for public housing services by authorizing the Housing and Community Development Corporation to evict tenants in violation of their rental agreement through a judicial process.

HMS-04 RELATING TO CRIMINAL TRESPASS IN THE SECOND DEGREE.

Currently, police officers are not authorized to remove persons from public housing projects for trespassing. This measure applies criminal trespass in the second degree to individuals entering or remaining unlawfully on the premises of public housing projects after a reasonable warning or request to leave.

HMS-05 RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAMS.

To finance the needed development of affordable rental housing in the State of Hawaii, this measure increases the bond authorization amount under the Hula Mae Multi-Family Housing Program from \$200,000,000 to \$300,000,000.

HMS-06 RELATING TO FORECLOSURES OF GOVERNMENT-ASSISTED PROPERTIES.

Enables state and county housing agencies to collect the value of its shared appreciation equity, excess proceeds in lieu of buyback, or deferred sales price lien, when an affordable housing property is publicly sold through a non-judicial foreclosure by requiring notice to the agencies, in writing, thirty days prior to the commencing mortgage proceeds.

HMS-08 RELATING TO THE RENTAL HOUSING TRUST FUND ADVISORY COMMISSION.

Reduces redundancy in the affordable rental housing development process by repealing the Rental Housing Trust Fund Advisory Commission. This action leaves the approval process in the hands of the Housing and Community Development Corporation of Hawaii, who currently have final approval over recommendations of the commission.

HMS-12 RELATING TO MEDICAID REIMBURSEMENT.

This measure provides for equity of Medicaid reimbursement rates between hospitals and private long-term care facilities. The measure in effect means that some facilities will experience a net gain in reimbursements and others will experience a net loss in reimbursements.

HMS-14 RELATING TO HOME AND COMMUNITY-BASED SERVICES.

To address one of the concerns cited in Auditor's Report 02-22, the measure separates the licensing and certification agencies for home and community-based case management agencies and community care foster family homes. The measure also requires criminal history record checks and adult abuse perpetrator checks for applicants for a home and community based case management agency license, operators, employees, and new employees of the agency.

HMS-15 RELATING TO BACKGROUND CHECKS FOR PROVIDERS OF HOME AND COMMUNITY-BASED SERVICES.

Requires the Department of Human Services to adopt standards ensuring the character of service providers who have direct contact with individuals receiving services through programs of the Adult and Community Care Services Branch, including submitting the providers to criminal history record checks, adult abuse perpetrator checks, and child abuse perpetrator checks.

HMS-16 RELATING TO DEPENDENT ADULT PROTECTIVE SERVICES.

Requires the Department of Human Services to report dependent adult abuse or neglect reports to the appropriate police department. The measure also requires the department to inform the appropriate police department or prosecuting attorney of relevant information concerning a case if the police department requires the information, or prosecuting attorney, for the investigation or prosecution of that case.

Proposals by Department

With Summaries

HMS-17 RELATING TO CHILD WELFARE SERVICES.

Implements suggestions made by the federal Child and Family Services Review to use culturally sensitive, family strengthening diversion and other supportive services to improve the safety and well being of children and families. The measure clarifies that the customary practice of "hanai" is an acceptable diversion service and is available to the Department and the Court in lieu of taking children into the custody of the State.

HMS-21 RELATING TO PUBLIC ASSISTANCE.

Clarifies that the covered loss deductible does not include public assistance benefits.

HMS-25 RELATING TO THE RX PLUS PROGRAM.

Amends the Hawaii Rx prescription drug program based on the Supreme Court's ruling on the Maine Rx program. Amendments to the measure address the concerns expressed by the Centers for Medicare and Medicaid Services. They include: eligibility criteria, preventing the loss of coverage to employees receiving employer sponsored prescription drug benefits, language to address concerns of the pharmacies and drug manufacturers, and rename the program as the Hawaii Rx Plus.

HMS-26 RELATING TO MEDICAL ASSISTANCE FOR PREGNANT LEGAL IMMIGRANTS.

This measure provides medical assistance to pregnant legal immigrants who fit into a gap group of uninsured pregnant women. These legal immigrants are Medicaid income-eligible, but due to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, are otherwise ineligible for any benefit during the first five years after entering the United States.

HMS-R1 REQUESTING THE ESTABLISHMENT OF AN INTERAGENCY TASK FORCE TO EVALUATE THE OPENING OF CHILD WELFARE FAMILY COURT PROCEEDINGS TO THE PUBLIC.

Establishes a task force to study the opening of child abuse and neglect court proceedings for abuse, neglect, and foster care to the public. The task force will consist of members from the Department of Human Services, the Department of the Attorney General, and the Judiciary.

Proposals by Department

With Summaries

Department: HRD - Department of Human Resources Development

HRD-05 RELATING TO PUBLIC EMPLOYEES.

Civil service benefits and vested property rights should be limited to those who have entered and successfully completed the civil service recruitment process. Therefore, this measure eliminates the misleading concept of temporary membership in civil service.

HRD-10 RELATING TO PUBLIC EMPLOYEES.

Clarifies that in civil service, licensure is a qualification requirement rather than a performance requirement.

HRD-11 RELATING TO PUBLIC EMPLOYEES.

Clarifies that if a member of civil service has been released from a new position for inefficiency during the probationary period, the member can be returned to the former position or a vacant comparable position as determined by the employer.

HRD-12 RELATING TO PUBLIC EMPLOYEES.

Allows civil service employees who are serving an appointment with a limitation date, who were hired to a position through a departmental internal recruitment, to be subsequently appointed to the same position or a related position in the same class within the department when a permanent position is established or vacated.

HRD-14 MAKING AN EMERGENCY APPROPRIATION FOR THE STATE WORKERS' COMPENSATION PROGRAM.

This emergency appropriation of approximately \$3 million will allow the state to meet its legal obligation to pay for workers' compensation claims.

HRD-15 RELATING TO SALARIES.

This measure addresses salaries that are set in statute. It provides for consistency throughout Hawaii Revised Statutes by tying the identified salaries directly to comparable salaries of deputy directors, assistants to department heads, agency managers, and executive director and gives the appointing authority of specific positions the authority to set the salary.

Proposals by Department

With Summaries

Department: HTH - Department of Health

HTH-01 RELATING TO MEDICAL RECORDS.

Clarifies language in the mental health statutes to require mental health service providers to provide prior notice to clients that records will be released for billing purposes to the client's insurer. The information may only be released to the insurer after the patient has been offered the opportunity to pay the reimbursement claim directly, and has declined to pay.

HTH-03 RELATING TO CRIMINAL HISTORY RECORD CHECKS OF PERSONS PROVIDING SERVICES TO MENTALLY ILL ADULTS.

Expands the Department of Health's authority to obtain criminal history record checks of potential employees, providers, or subcontractors of non-witnessed mental health services. Current statute permits criminal history record checks only for prospective employees of the child and adolescent mental health division of the department of health; this measure allows for the same record checks at the adult mental health division of the department of health.

HTH-04 RELATING TO MENTAL HEALTH

Implements key components of the "Community Plan for Mental Health Services" court order. Requires the Department of Health to develop an annual statewide comprehensive integrated service plan for mental health services that is based on the comprehensive integrated service area plans developed concurrently by county Service Area Boards and county Service Area Administrators.

HTH-08 RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR UNRELATED ADULTS LIVING IN THE SAME UNLICENSED OR UNCERTIFIED RESIDENCE AS INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Authorizes the Department of Health to perform state criminal history record checks on any unrelated adult living with a person with developmental disabilities in a unlicensed or uncertified home. Currently the department is authorized to perform these checks on licensed development disabilities domiciliary homes and adult foster homes; this measure provides greater protection to the public and members of our developmental disabilities population.

HTH-12 RELATING TO THE SALE OF STERILE SYRINGES FOR THE PREVENTION OF DISEASE.

The measure makes the "sale of sterile syringes for the prevention of diseases" statute permanent. The program began in 2002 and was scheduled to sunset in 2004. Benefits of the program include: a successful reduction in the potential exchange of blood borne diseases between syringe users, no increase in the improper disposal of syringes, and the Department of Health has developed a successful educational brochure on the topic of syringe uses and dangers, and the brochure is distributed by pharmacies to syringe purchasers.

HTH-13 RELATING TO PUBLIC HEALTH NURSING SERVICES

Codifies the public health nursing services program, which began in the Department of Health in 1923, in Hawaii Revised Statutes. Duties of the program may include, but are not be limited to: responding to catastrophic and traumatic emergency events; epidemics and public health outbreaks; care coordination services to vulnerable groups (special needs infants, toddlers, and children, elderly etc.); collaborating with other departments, organizations, and providers to assess community health needs and facilitate policy development and set policy priorities; and collecting and evaluating data to determine appropriate services.

HTH-17 RELATING TO THE VOLUNTARY RESPONSE PROGRAM.

This measure improves the Voluntary Response Program by allowing prospective purchasers of property, for which an owner has completed a voluntary response action, to also be exempt from future liability for specific issues addressed in the voluntary response action. The measure also clarifies the cleanup options for participants and allows the Director of Health to reduce fees for public and non-profit agencies to participate in the program.

HTH-18 RELATING TO GENERIC SUBSTITUTION OF PRESCRIPTION DRUG PRODUCTS.

The measure streamlines the state process of reviewing and adopting drug products which the United States Food and Drug Administration has determined to be therapeutically equivalent generic drug products.

HTH-19 RELATING TO RADIOLOGIC TECHNOLOGY.

The measure updates the title of the executive secretary for the board of radiologic technology to executive officer. Also this measure corrects a due process issue by removing board supervision over the executive officer.

Proposals by Department

With Summaries

HTH-22 RELATING TO DRUG DEMAND REDUCTION ASSESSMENTS.

The measure repeals the sunset date of the Drug Demand Reduction Assessments Special Fund. The special fund is used to provide supplemental substance abuse prevention and treatment services and is necessary to aid in the success of our administration's war on drugs.

HTH-25 MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION.

This measure is a \$14 million emergency appropriation for the Hawaii Health Systems Corporation to payback a loan from the previous administration. In 2002, Governor Cayetano loaned the HHSC \$14 million to cover the unanticipated increase in employer contributions to the ERS and Hawaii Employer-Union Health Benefits Trust Fund.

HTH-26 RELATING TO HAWAII HEALTH SYSTEMS CORPORATION.

Establishes two new collective bargaining units for employees of the Hawaii Health Systems Corporation. Creating these new bargaining units improves the negotiating position of the HHSC by allowing the specific concerns that are unique to the local environments of the HHSC to be taken into consideration during negotiations.

HTH-27 RELATING TO PUBLIC MEETINGS.

Allows for videoconference meetings to continue if the video connectivity is interrupted or stopped, provided the audio connectivity is maintained. This will save taxpayer dollars by avoiding the cost of air travel and missed work hours that would occur if the video component could not be maintained, as under current law.

HTH-28 RELATING TO EMERGENCY MEDICAL SERVICES.

Makes the provision of aeromedical services permissive rather than mandatory. Currently the statute creates an unfunded liability because it mandates statewide provision of aeromedical services, but the Legislature only appropriated funds for Maui County in FY 03-04.

HTH-29 RELATING TO HOSPITAL AND PROFESSIONAL LIABILITY RISK FINANCING

This measure clarifies that the Hawaii Health Systems Corporation has the authority to establish a captive insurance agency. The measure also specifies that the Department of Health and John A. Burns School of Medicine (JABSOM) could be covered by the captive.

HTH-30 RELATING TO THE STATE ADVISORY COMMISSION ON DRUG ABUSE AND CONTROLLED SUBSTANCES.

Increases flexibility to develop the Hawaii drug control strategy by abolishing the Hawaii Advisory Commission on Drug Abuse and Controlled Substances. Members of the commission will have the opportunity to participate in activities and committees that will be part of the Hawaii drug control strategy.

HTH-31 RELATING TO INTERAGENCY COORDINATION.

Increases flexibility to develop the Hawaii drug control strategy by abolishing the Interagency Offender Substance Abuse Treatment Coordinating Council. Members of the council will have the opportunity to participate in activities and committees that will be part of the Hawaii drug control strategy.

HTH-32 RELATING TO WEST NILE VIRUS.

This short form measure will be the administration's vehicle to introduce a proposal that addresses the growing concern in our State for the West Nile Virus. The administration intends to take a proactive stance to implement plans to protect our environment against the West Nile Virus.

Proposals by Department

With Summaries

Department: LBR - Department of Labor and Industrial Relations

LBR-01 RELATING TO WORKERS' COMPENSATION.

Provides reform to the State's workers' compensation system. The proposed changes address: new definitions for physicians and treatments, eligibility criteria, mental stress, the healthcare provider list, emergency room fees, vocational rehabilitation, employer involvement, performance reviews, arbitration, mediation, and fraud investigations and penalties.

LBR-02 RELATING TO THE ELECTION OF JURY TRIALS IN HAWAII CIVIL RIGHTS ☐ COMMISSION MATTERS

Provides respondents in Hawaii Civil Rights Commission cases with the same options as claimants to remove themselves from the administrative hearings process and electing for a jury trial.

LBR-03 RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION.

Streamlines and expedites the caseload of the Hawaii Civil Rights Commission. The measure is in response to a Supreme Court decision and establishes a limit on the amount of time extensions the commission may grant itself to complete an investigation.

LBR-04 RELATING TO FIREWORKS.

Authorizes the counties to regulate the sale, purchase, use, and storage of fireworks.

LBR-05 RELATING TO HOISTING MACHINE OPERATORS.

Due to the determination that the hoisting machine operators advisory board will not be self sufficient beyond July 30, 2007, this measure repeals the hoisting machine operators' certification revolving fund and transfers the administrative duties of the of the executive director to the Department of Labor and Industrial Relations.

LBR-09 RELATING TO EMPLOYMENT.

Establishes a uniform definition of employment for the Department of Labor and Industrial Relations to improve determination of eligibility for benefits.

LBR-10 RELATING TO THE PREPAID HEALTH CARE ACT.

This housekeeping measure repeals amendments made in 1978 to the Hawaii Prepaid Healthcare Act. The amendments were held invalid by the United States District Court because the Employee Retirement Income Security Act of 1974 preempts them.

Proposals by Department

With Summaries

Department: LNR - Department of Land and Natural Resources

LNR-09 RELATING TO NATURAL RESOURCE VIOLATIONS.

Authorize DLNR to implement an alternative civil system for processing natural resource infractions. Formation of this system would allow for the acceleration of violation resolution, resulting in better enforcement of departmental regulations and enhanced protection of natural resources.

LNR-10 RELATING TO RECORDATION.

Allow the registrar to establish hours for recordation within the Bureau of Conveyances, which are now set by statute.

LNR-15 RELATING TO ANIMAL CONTROL FROM AIRCRAFT.

Allow Federal agencies to conduct animal control activities from aircraft to better protect forested watersheds and native ecosystems.

LNR-17 RELATING TO ENFORCEMENT.

Clarify and extend DLNR's enforcement jurisdiction to other State lands and waters.

LNR-19 RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND.

Clarify that penalties, fines, and administrative charges obtained under the State Historic Preservation Law be deposited into the Hawaii Historic Preservation Special Fund. Authorization is given for these monies to be used to pay permanent and temporary staff positions as well as administrative costs.

LNR-23 RELATING TO INTERIM RULES OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES.

Authorize DLNR to implement and enforce interim rules in order to protect aquatic and land species threatened with imminent local or species extinction.

LNR-R1 SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES.

Submit to the Legislature for review of action the land exchange between the State and Parker Ranch Land Trust to expand the Waimea Elementary and Intermediate Schools. This agreement would allow for the creation of separate campuses for the two schools and improved traffic flow through Waimea Town.

LNR-R2 AUTHORIZING DESIGNATION OF AN INDUSTRIAL PARK.

Seek approval from the Legislature to approve forty-five (45) acres of public lands to be designated as an industrial park in Kaholaloa, Sand Island, O'ahu. Development of an industrial park has been deemed most beneficial in the long term for this area and would provide increased State income from taxes and rents in addition to increased job and economic activity of the area.

LNR-R3 AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT SPRECKELSVILLE, WAILUKU, MAUI, HAWAII, FOR MAINTENANCE OF ROCK GROIN PURPOSES.

Seek approval from the Legislature to authorize DLNR to issue a term, non-exclusive easement allowing for maintenance of rock groins in submerged lands in Sprecklesville, Wailuku, Maui.

LNR-R4 AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF SUBMERGED LANDS AT KANEOHE, KOOLAUPOKO, OAHU, HAWAII, FOR MAINTENANCE OF BREAKWATER PURPOSES.

Seek approval from the Legislature to authorize DLNR to issue a term, non-exclusive easement allowing for maintenance of a breakwater in submerged lands at Kaneohe, Koolauoko, Oahu.

LNR-R5 SUBMITTING TO THE LEGISLATURE OF THE STATE OF HAWAII FOR REVIEW OF ACTION TAKEN BY THE BOARD OF LAND AND NATURAL RESOURCES ON LAND EXCHANGES.

Submit to the Legislature for review of action the land exchange between the State and Maui Land & Pineapple Company, allowing the State to acquire higher income yielding, light-industrial properties in exchange for average and below average agricultural lands.

Proposals by Department

With Summaries

Department: LTG - Office of the Lieutenant Governor

LTG-02 RELATING TO PUBLIC RECORDS.

Discourages individuals from abusing Chapter 92F, HRS, and from disrupting government operations by permitting the Office of Information Practices to place limits on individuals who have established patterns of conduct that indicate abuse of the Uniform Information Practices Act.

LTG-03 RELATING TO PUBLIC MEETINGS.

Resolves conflicting interpretations by ATG and the OIP as to section 92-2.2(a), HRS, by allowing two board members to discuss board business freely so long as they do not make or seek a commitment to vote. The measure will also delete language interpreted by the ATG to bar the presence of non-board members in such discussions. This bill will avoid different opinions of this statute section by the ATG and the OIP and eliminate confusion among board members and the public.

LTG-04 RELATING TO THE OFFICE OF INFORMATION PRACTICES.

The OIP already has jurisdiction to receive complaints under part I of chapter 92, HRS, and the OIP also administers chapter 92F, HRS. This bill would make the powers and duties of the OIP for both chapters 92 and 92F, HRS, more uniform, and would ensure that the OIP has the power to civilly enforce chapter 92, HRS.

LTG-05 RELATING TO PUBLIC AGENCY MEETINGS.

To authorize boards and commissions subject to the "Sunshine Law," part I of chapter 92, HRS, to conduct on-site inspections of locations which relate to a matter under a board's supervision, control, jurisdiction, or advisory power.

LTG-06 RELATING TO NAME CHANGES.

Approximately 10% of all those who apply for name changes are sixty-five years and older. This bill will reduce the financial burden on those individuals who are sixty-five years and older, by reducing the fee for application for name change.

Proposals by Department

With Summaries

Department: PSD - Department of Public Safety

PSD-01 RELATING TO CONTROLLED SUBSTANCES.

Makes it difficult for clandestine drugs labs to operate by regulating the retail sale of laboratory items and regulated chemicals; enhancing penalties for the manufacturing of controlled substances; limiting the sale of products containing pseudophedrine and ephedrine; and enhancing the penalty for the sale of laboratory glassware when it is to be used to manufacture controlled substances. This bill also updates the schedule of controlled substances to conform to changes in the federal law, and increase penalties when drugs are manufactured in the presence of children.

PSD-02 RELATING TO THE HAWAII PAROLING AUTHORITY.

Addresses the 800% increase in the workload of the parole board by changing the status of the parole members from part-time to full-time employees. This bill ensures the parole members are compensated fairly for the full-time work they have been doing.

PSD-04 MAKING AN EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF PUBLIC SAFETY

Alleviates overcrowding in prison facilities by appropriating \$2,001,968 in general funds for FY2004 for the purpose of transferring additional inmates to the federal detention center or mainland facilities.

PSD-08 RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM

To attract a higher caliber of individuals to serve as State deputy sheriffs by allowing them to retire after 25 years of service regardless of age in recognition of the dangers of their job.

PSD-09 RELATING TO CHILD ABUSE.

Expedites the removal of a child from a crime scene by authorizing deputy sheriffs, narcotics enforcement officers, and AG investigators to place a child in protective services.

PSD-10 RELATING TO SECURITY AT HAWAII HEALTH SYSTEMS CORPORATION HOSPITALS.

Transfers the functions and authority of uniformed security employees and security contracts from HHSC and PSD.

PSD-13 RELATING TO CORRECTIONS OFFICERS.

Establishes a recruitment and retention incentive by allowing Adult Correctional Officers to retire after 25 years of service without penalty regardless of age.

PSD-14 RELATING TO THE CRIMINAL OFFENDER TREATMENT ACT.

Facilitates the establishment of a coordinating entity to develop the Hawaii drug control strategy by repealing the Criminal Offender Treatment (COTA), Chapter 353G, HRS. This strategy is consistent with the recommendations from the Lieutenant Governor's drug control summit. Repeal of Chapter 353G eliminates unnecessary and unfunded statutory reporting requirements.

PSD-15 RELATING TO ACT 259, SESSION LAWS OF 2001, AS AMENDED BY ACT 177, SESSION LAWS OF HAWAII 2002.

Allows the department to locate a secure treatment facility in a location that ensures the department's ability to provide proper staffing.

PSD-16 RELATING TO DRUG PARAPHERNALIA.

Makes it illegal to sell drug paraphernalia.

Proposals by Department

With Summaries

Department: TAX - Department of Taxation

TAX-01 RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE.

Short form bill to be modified in time for the first legislative committee hearings by incorporating tax law changes adopted by Congress to the Internal Revenue Code into Hawaii's Income Tax Law.

TAX-02 RELATING TO THE STANDARD DEDUCTION FOR INDIVIDUAL INCOME TAX.

Raise the standard deduction to 1/2 of 2003 federal levels, phased in over three years, beginning in tax year 2004.

TAX-04 RELATING TO A LONG-TERM CARE TAX CREDIT.

Provide a refundable tax credit of up to 30% for long-term care insurance premiums paid, phased in over 3 years, with annual cap of \$2,500. The tax credit amount is up to 10 percent in the first year, 20 percent in the second year and 30 percent in the third year.

TAX-05 RELATING TO INCOME TAX WITHHOLDING.

Businesses with greater than \$40,000 of annual State withholding liabilities will be required to remit their State withholding on the same "semi-weekly" remittance dates required under the federal employment tax provisions. This will create a one-time increase in the general fund financial plan of \$50 million in revenues in FY 05.

TAX-09 RELATING TO A GENERAL EXCISE TAX EXEMPTION FOR PROFESSIONAL EMPLOYMENT ORGANIZATIONS.

Exempt employee salary, fringe benefits, worker's compensation and payroll taxes and assessments paid to professional employment organizations for temporary workers from GET as the salary received by the temporary workers are already subject to payroll taxes.

TAX-11 RELATING TO THE NET INCOME TAX CREDIT FOR RENEWABLE ENERGY TECHNOLOGY SYSTEMS.

Make the following clarifying and housekeeping amendments to the renewable energy technology systems tax credit: 1) the credit is nonrefundable and may be carried forward until exhausted; 2) the credit must be claimed for the tax year that the renewable energy system was purchased or placed in service; and 3) the credit must be claimed promptly and not retroactively in an amended tax return.

TAX-12 RELATING TO TAX ADMINISTRATION.

Provide the Department of Taxation with the authority to impose civil penalties and injunctions on tax return preparers who support unrealistic positions on tax returns and on promoters of abusive tax shelters.

TAX-13 RELATING TO THE INTEGRATED TAX INFORMATION MANAGEMENT SYSTEMS ACQUISITION BY THE DEPARTMENT OF TAXATION.

To extend the current "drop dead" date of July 1, 2004, to July 1, 2005, for the Integrated Tax Information Management Systems (ITIMS) special fund to provide additional time for the remaining work on the project to be completed.

TAX-15 RELATING TO THE GENERAL EXCISE TAX WHOLESALE RATE.

Correct a drafting error in Act 135, SLH2003, which repealed the 0.5% tax on wholesalers, by reinserting the 0.5% GET on wholesalers.

TAX-17 RELATING TO TAX ADMINISTRATION.

Enable the Department of Taxation to recover costs of prosecution from the defendants upon conviction.

TAX-18 RELATING TO ETHANOL INCOME TAX CREDIT.

Change the existing ethanol investment tax credit to an ethanol facility tax credit and also limits the tax credit to the amount invested to construct the ethanol production facility.

TAX-19 RELATING TO THE USE TAX.

Clarifies the application of the use tax on the importation of tangible personal property into the State.

Proposals by Department

With Summaries

Department: TRN - Department of Transportation

TRN-01 RELATING TO COMMERCIAL DRIVER LICENSING.

Updates the commercial driver licensing program to conform with the mandates of the federal Motor Carrier Safety Improvement Act of 1999, which includes increasing roadway safety by disqualifying drivers who have been convicted of traffic offenses while operating either a commercial or non-commercial motor vehicle from holding a commercial driver's license. Failure to implement these changes by September 30, 2005 could result in the loss of all federal Motor Carrier Safety Assistance Program grant funds.

TRN-03 RELATING TO TAXATION OF ALTERNATIVE FUELS.

Eliminate the State portion of the fuel tax on alternative fuels for a period of five years, beginning July 1, 2004.

TRN-04 RELATING TO DEPARTMENT OF TRANSPORTATION'S ENGINEERING SCHOLARSHIP PROGRAM.

Establish a \$100,000 engineering scholarship fund to pay engineering tuition fees and a stipend. Upon graduation, the student must complete one year of full time employment with the Department of Transportation for each school year on scholarship.

TRN-05 RELATING TO PASSENGER FACILITY CHARGES.

Exempt the airport Passenger Facility Charge (PFC) collections and interest earned on PFC from the assessment of central services expense and Department of Transportation administrative expenses.

Proposals by Department

With Summaries

Department: UOH - University of Hawaii

UOH-05 RELATING TO THE UNIVERSITY OF HAWAII.

Allows the University of Hawaii to replace its tuition waiver program with a scholarship program that may be used to assist students with other living expenses.

UOH-07 RELATING TO THE HAWAII MEDICAL EDUCATION SPECIAL FUND.

Transfers administration of the Hawaii Medical Education Special Fund from the Medical Education Council to the University of Hawaii.

UOH-08 RELATING TO THE CENTER FOR NURSING SPECIAL FUND.

Clarifies that the Board of Regents rather than the University of Hawaii administers the Nursing Special Fund.